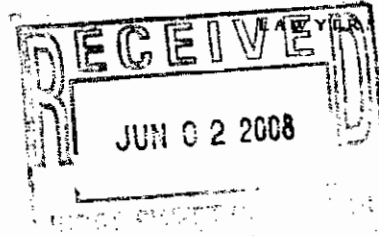


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May 30, 2008

VIA FACSIMILE

Hon. Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

*Liability discovery
to be completed by 11-1-08.
Damage discovery responses
by 12/1/08
So ordered
Sweet
USDC
6-2-08*

**Re: Harris v. Simon & Schuster, Inc. and The McGraw-Hill
Companies, Inc. - 08 CV 3477 (RWS)**

Dear Judge Sweet:

Pursuant to Your Honor's directive, we write to you with the consent of counsel for Plaintiff in the above-referenced action, to memorialize the May 28, 2008 pre-trial conference before Your Honor. While the parties agree on most of what had transpired during the conference, the parties' understanding differs with regard to one issue.

With regard to the issues on which the parties agree, the parties agreed that all activity in this action will be held in abeyance (with the exception of some informal exchanges of information to help in mediation) pending mediation before Magistrate Judge Pitman. It was agreed that there would be a two (2) month "stand-still" agreement during which time the parties would schedule and meet with Magistrate Judge Pitman for a mediation of their dispute. The parties can extend the "stand-still" agreement, if they wish. In the event the parties are unable to resolve their dispute through mediation, discovery will commence on August 1, 2008. Either party may file a motion for summary judgment regarding liability at any time and no later than November 1, 2008.

With regard to the issue on which the parties disagree, Plaintiff submits that, in the event the parties are unable to resolve their dispute, fact discovery would proceed as follows: initial discovery (in the first two months) would be limited to liability and thereafter the parties may engage in damages discovery in addition to continuing liability discovery.

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Defendants maintain that the Court ruled that discovery with respect to liability and damages would be bifurcated. Further, all discovery with respect to liability shall be completed by November 1, 2008 and, if a dispositive motion with respect to liability is fully submitted by that date, responses to discovery demands with respect to damages shall not be due before December 1, 2008, in order to give the court an opportunity to rule on pending summary judgment motion(s).

Respectfully submitted,

A handwritten signature in cursive script that reads 'Marcia B. Paul'.

Marcia B. Paul

Counsel for Defendants

MBP/lp

cc: Manny D. Pokotilow (via email)
Salvatore Guerriero (via email)